

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Simon J. Hunt, Esq.

Application No.: 09/762,852

Group Art Unit: N/A

Filed: February 14, 2001

Examiner: Not Yet Assigned

For: INTERACTIVE SYSTEM FOR ENABLING TV
SHOPPING

REQUEST FOR RECONSIDERATION PETITION UNDER 37 C.F.R. 1.47(b)

Assistant Commissioner for Patents
Box PCT
Washington, DC 20231
ATTN: Legal Affairs Division of the PCT Legal Office

Dear Sir:

In response to the Dismissal of the Renewed Petition Under 37 C.F.R. 1.47(b), the undersigned requests reconsideration of the Petition.

On June 25, 2002, a Decision on Petition Under 37 C.F.R. 1.47(b) was issued by the U.S. Patent and Trademark Office, dismissing the Petition filed on behalf of the Assignee of the above-identified patent application.

The Decision on Petition set forth six criteria for granting a Petition Under 37 C.F.R. 1.47(b). The Decision on Petition acknowledges that all of the requirements have been met, except for item 2, requiring proof of unavailability or refusal (M.P.E.P. 409.03(d)).

The Decision to Dismiss the Petition alleges that the Petitioner has not provided documentary evidence of the non-citing inventor's refusal to deliver the signed Declaration to the Petitioner's representatives.

Accordingly, the Assignees representatives attorney, who, having first hand knowledge of the circumstances surrounding the inventors refusal to deliver the required executed Declaration, has set forth in the attached Declaration all of the facts within his personal knowledge surrounding this refusal.

The Declarant, Howard Milhench, has set forth in items 4, 5 and 6, his diligent efforts to secure the signature of the inventor, and has expressed his reliance on the inventor's word that such Declarations would be forth coming. Howard Milhench has also identified that the requisite papers were sent to the inventor, and replies were received from the inventor's attorneys, indicating that Mr. Hunt had been requested to sign the forms and return them as soon as possible (item 9 of Milhench Declaration). Further, Howard Milhench has stated his willingness to reimburse Mr. Hunt for any expenses he incurred in cooperating with Mr. Milhench, even though according to 11 of the Milhench Declaration, Mr. Hunt was obligated by law to transfer all of his rights of the invention to his employer.

It is clear that every reasonable effort has been made to secure the inventors signature on the required Declaration, and the failure to supply the Declaration is the direct result of the inventor's lack of cooperation.


The foregoing Declaration satisfies the inquiry raised in the Decision on Petition, as to whether or not Media Logic Systems Ltd. (Nisaba Group Ltd.), received inquiries from Mr. Hunt or his solicitors, and has clearly identified the circumstances of the refusal of the inventor to cooperate.

The foregoing is being submitted as a bonafide attempt to provide an evidentiary base of all circumstances surrounding the inventor's refusal to sign the required Declaration in the above application. Rule 47(b) exists for the very circumstances in which the owners of this technology now find themselves. The facts show clear ownership in the Assignee of the application, and demonstrate that all measures reasonable under the circumstances had been taken to comply with

the requirements of executing a U.S. patent application. It is hereby requested that the U.S. Patent and Trademark Office grant the relief requested, so that valuable rights paid for by the owner of this technology will not be lost in spite of all diligent efforts made by the owners to secure the necessary cooperation of the inventor.

Dated: August 26, 2002

Respectfully submitted,

By 
George R. Pettit, Reg. No. 27,369
CONNOLLY BOVE LODGE & HUTZ, LLP
1990 M Street, N.W., Suite 800
Washington, DC 20036-3425
(202) 331-7111
(202) 293-6229 (Fax)
Attorneys for Applicant